IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5138 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.H.SHUKLA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RANCHHODBHAI M.PATEL SINCE DECD THRO HEIRS DILIP R. PATEL - Petitioner(s)

Versus

ANAND TALKIES & 5 - Respondent(s)

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Appearance :

MR MB GANDHI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 3.
MR DC DAVE for Respondent(s) : 4 - 6.

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CORAM : HONOURABLE MR.JUSTICE R.H.SHUKLA

Date : 17/12/2007

ORAL JUDGMENT

Heard Mr.M.B. Gandhi, learned advocate for the petitioner and Mr.D.C. Dave, learned advocate for respondents no.4 and 6.

After the matter is heard at some length both the learned advocates have positively responded to the suggestion of the court that this matter can be disposed of with a direction to the Small Cause Court to dispose of the suit being HRP Suit No.3798 of 2002 expeditiously.

2. The learned Judge, Small Cause Court, Ahmedabad is directed to dispose of HRP Suit No.3798 of 2002 as expeditiously as possible, preferably within six months from the date of receipt of this order. It is agreed and accepted by both the learned advocates that they will cooperate and their counterparts appearing in the said HRP Suit shall proceed with the matter without seeking any adjournments. The apprehension voiced by learned advocate Mr.D.C. Dave that this petition may be disposed of and on the other hand the suit may prolong and therefore, if there is non cooperation by the other side liberty may be reserved to make necessary application as may be deemed fit. Learned advocate Mr.Gandhi for the petitioner has also stated that his client and his lawyer appearing there will cooperate and he has no objection if the present petition is disposed of with with aforesaid direction without going into merits.

3. Therefore, the present petition stands disposed of with a direction that the learned Judge, Small Cause Court, Ahmedabad shall dispose of HRP Suit No.3798 of 2002 as expeditiously as

possible, preferably within six months from the date of receipt of this order. Both the learned advocates shall cooperate and their counterparts appearing in the said HRP Suit shall proceed with the matter without seeking any adjournments.

4. Order dated 3rd March 2005 passed by the Small Cause Court, Ahmedabad in Appeal From Order No.55 of 2004 (Annexure 'B' to this petition) shall remain stayed during the pendency of the suit. Rule is made absolute to the aforesaid extent. No order as to costs.

(R.H. SHUKLA, J.)

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